

Questions & Answers Regarding



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STRUCTURAL PEST CONTROL INSPECTIONS

**1. Q. UNDER WHAT CONDITIONS IS A
PEST CONTROL INSPECTION REPORT
REQUIRED?**

A. Although the State of California regulates structural pest control firms, it does not require a Wood Destroying Pests and Organisms Inspection Report prior to the sale of property. However, prior to lending money on a property, a financial institution usually requires an inspection report to ensure that the building is structurally sound. This requirement protects its investment and provides the home buyer with an inexpensive safeguard against the cost of structural pest control repair and treatment. A buyer is advised to arrange for a structural pest control inspection regardless of the condition of the home at the time of sale. The cost of an inspection is minimal compared to the cost of repairing undetected pest damage that could cost thousands of dollars.

**2. Q. HOW DO I KNOW WHICH PEST
CONTROL COMPANY TO USE?**

A. The Structural Pest Control Board cannot recommend a specific company. You may want to contact a family member or friend who has used a company in the past. Once you have selected a company, you may contact the Board for licensing information and complaint history.

**3. Q. WHAT ARE THE RIGHTS OF THE BUYER
WITH REGARD TO STRUCTURAL PEST
INSPECTION REPORTS AND STRUCTURAL
PEST CONTROL TREATMENT?**

A. When a structural pest control company is hired, it is accountable to both the buyer and seller, regardless of who pays for the inspection. It is required to furnish the person who ordered the inspection with a copy of the report within ten working days. Under Section 1099 of the Civil Code, the seller usually delivers copies of the inspection reports to the buyer. Copies can also be obtained through escrow.

If there is any question about the report(s), the buyer should contact the company that made the inspection and/or performed the work. It is always advisable for buyers to order their own inspections.

**4. Q. WHAT INFORMATION MUST BE
INCLUDED ON THE INSPECTION REPORT?**

A. The Structural Pest Control Act requires that all structural pest control companies in California use a standardized inspection report form. The inspection report should include any wood-destroying pests (such as termites or wood-boring beetles), fungus, and the resulting structural damage that is visible and accessible on the date of inspection. Conditions considered likely to lead to future wood-destroying pest infestations or infections such as excessive moisture, earth-to-wood contact, and faulty grade levels are also identified on the report. Recommendations are also made for treatment or repair.

A diagram on the inspection report must detail every part of the house checked for signs of infestation or infections. The report must also state which areas have been inspected and which areas have not been inspected because of inaccessibility. It is important to make sure the inspector understands what structures you want inspected and to be sure these areas were inspected. Outbuildings are generally not inspected unless requested. If you did not order the report, be sure to check if it is a limited or a complete report before accepting it. For real estate transfers, a complete structural pest inspection report is preferable.

5. Q. WHAT AREAS ARE CONSIDERED TO BE INACCESSIBLE ON THE INSPECTION REPORT?

- A.** Areas that cannot be inspected without opening the structure or removing the objects blocking the opening are considered inaccessible. Attics or subareas without adequate crawl space, slab foundations without openings to bathroom plumbing, floors covered by carpeting, wall interiors, and locked storage areas are the most common.

The pest control inspector must list all inaccessible areas and the specific reasons why they were not inspected. Careful attention should be paid to these areas, since there may be structural pest problems which cannot be detected without further inspection. The report will recommend whether or not further inspection is appropriate.

6. Q. DO ALL RECOMMENDATIONS LISTED ON AN INSPECTION REPORT HAVE TO BE COMPLETED PRIOR TO THE SALE OF THE HOME?

- A.** There is no law requiring that any recommendations listed on a report must be completed. However, many financial institutions require that both the inspection and all recommendations be completed prior to the close of escrow. The lender usually requires certification from a pest control company stating that the structure is free of infestation or infection. Some financial institutions may only be interested in determining whether recommendations for correcting active infestations and infections and the resulting damage (Section 1 items) have been completed. Lenders such as FHA and VA may require conditions that are present which could lead to an infestation or infection (Section 2 items) to be completed also. A consumer may request a report from the pest control company which designates each item as either a Section 1, Section 2, or unknown for further inspection. Whether the buyer or seller pays for the work depends on the contract. The buyer should be aware of any recommendations which have not been completed before purchasing the home. Structural pest control companies are required to complete a Notice of Work Completed and Not Completed when any work is done on a structure. Review all reports carefully for any indications that work has not been performed. The certification can be found on an inspection report, completion notice, or on the company's

letterhead (see question eight for more certification information). The certification may include disclosures in situations where all of the recommended work has not been completed. The inspection report and the completion notice should be delivered to the person who ordered the report and to the property owner, or the agent, within ten working days.

7. Q. IF TWO INSPECTION REPORTS ARE FILED ON THE SAME STRUCTURE WITHIN A REASONABLY CLOSE PERIOD, SHOULD THEY BE NEARLY IDENTICAL?

- A.** There are three parts of an inspection report: findings, recommendations, and estimates. Findings should be the same, no matter which company performs the inspection, although minor differences are not uncommon. Any major differences, such as one company failing to report an active infestation while the other company reports one, should be brought to the attention of both companies. If their explanations are not satisfactory, the Structural Pest Control Board should be contacted for assistance.

Recommendations made by structural pest control companies can differ since there are different ways to repair structural pest damage or correct conditions.

Estimates to correct the problems and/or conditions identified by the inspection report may vary. While a specific price for each recommendation must be given, the Board does not regulate or control pricing in any way.



8. Q. HOW LONG IS AN INSPECTION REPORT CONSIDERED VALID, AND ARE COMPANIES REQUIRED TO CERTIFY THEIR INSPECTION AND/OR WORK?

- A.** Under the Structural Pest Control Act, there is a two-year statute of limitations on all inspection reports and completion notices. This means all complaints against licensees must be filed with the Board within two years after the date of inspection or completion of recommendations. Companies are not responsible for conditions which develop or become visible after the date of inspection. For that reason, it is advisable for a buyer to obtain an inspection report as close as possible to the close of escrow. If the seller orders the report, it is advisable to obtain it when the house is listed so that repairs may be completed before the start of escrow.

A structural pest control company is required to certify its inspection and/or work if requested by the person ordering the report. They will certify that either 1) the inspection disclosed no evidence of active infestation or infection by wood-destroying pests or organisms in the visible and accessible areas; 2) the inspection disclosed active infestation or infection in visible and accessible areas which have been corrected; or 3) the property is free of pest infestation or infection in the visible and accessible areas, **except** for specified areas indicated. In cases where a structure is fumigated, the fumigation company will issue a certification of fumigation within five days after completing the fumigation.

Every completion report should be compared with a copy of the inspection report to determine if there are any conditions which have not been corrected or if secondary, substandard corrections have been performed.

Consumers are never required to do business with the pest control company they hire to inspect. However, if a bid or estimate is given for corrective measures by that original company and the owner hires another party to perform its corrective measures, that original company must return and reinspect the property before issuing a certification. Pest control companies will not certify chemical treatments performed by other pest control companies. The pest control company can perform a reinspection of items called on its original inspection report within four months of the inspection. The reinspection should be completed within ten working days after it has been ordered. If more than four months have elapsed since the original report date, a full inspection of the structure(s) inspected on the initial report must be performed, and an original inspection report must be issued.

The report and any contract entered into will state specifically when any guarantee for the work is made and the specific terms of that guarantee.

9. Q. HOW CAN I TELL IF A HOUSE HAS BEEN INSPECTED BEFORE, OR IF ANY WORK HAS BEEN COMPLETED?

- A.** Every time a structural pest control company makes an inspection for wood-destroying pests or organisms, it must post a tag in the attic, subarea, or garage. The tag contains the firm's name and the date of the inspection. A similar tag must be posted next to the inspection tag when the company completes any work. In addition to the firm's name and the date of the completion, this tag must indicate any pesticides used.

The structural pest control company must also note on an inspection report the location of the inspection tag as well as the presence of any other inspection tag or completion tag that is less than two years old. These reports are maintained by the pest control company for three years.

10. Q. HOW CAN I DETERMINE IF A LICENSEE HOLDS A CURRENT LICENSE OR REGISTRATION AND IF IT IS IN GOOD STANDING?

- A.** You can contact the Structural Pest Control Board (see question 11 for address and phone number) for verification of a license and/or company registration and complaint history.



11. Q. WHAT RECOURSE DO I HAVE IF I AM DISSATISFIED WITH THE SERVICES OF A PEST CONTROL COMPANY?

- A.** If you are unhappy with the service you received, call the company and discuss your concerns. If the company does not resolve the problem to your satisfaction, you can contact the Structural Pest Control Board for additional information or assistance by telephoning:

(916) 263-2533 — *in Sacramento*

(800) 737-8188 Ext. 2

— *outside Sacramento*

Or by writing to:

Structural Pest Control Board

Complaint Unit

1418 Howe Avenue

Sacramento, CA 95825-3280

The Board will first try to mediate your complaint. If this does not result in a satisfactory solution, the Board will make a determination on the responsibility of the company. The Board can compel the registered company or licensee to correct violations, but the Board does not have jurisdiction over monetary matters. If you seek a monetary settlement, you may want to consider taking legal action, since the Board cannot guarantee that you will receive any restitution.

The Board regulates all persons who perform structural pest control work by issuing licenses and bringing disciplinary action against licensees who fail to comply with the Structural Pest Control Act.

The Structural Pest Control Board is composed of seven members: three representatives from the structural pest control industry and four representatives from the public. The Board meets regularly to act on disciplinary cases, issue rules, and make policy governing the structural pest control industry in California.

All structural pest control licensees in California must successfully meet state licensing requirements in at least one of the three branches of pest control work: Branch 1, Fumigation; Branch 2, General Household Pest; Branch 3, Termites and Other Wood-Destroying Pests and Organisms; and Wood Roof Cleaning and Treatment. Though each category requires a different examination, a licensee may hold a license in more than one category.



STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

Structural Pest Control Board

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